

States on account of any legal right to citizenship they may enjoy under the Constitution of the Republic of Korea. It is not intended in any way to prejudice whatever rights to citizenship North Koreans may enjoy under the Constitution of the Republic of Korea, or to apply to former North Korean nationals who have availed themselves of those rights.

**(b) Treatment of nationals of North Korea**

For purposes of eligibility for refugee status under section 1157 of title 8, or for asylum under section 1158 of title 8, a national of the Democratic People's Republic of Korea shall not be considered a national of the Republic of Korea. (Pub. L. 108-333, title III, §302, Oct. 18, 2004, 118 Stat. 1295.)

**§ 7843. Facilitating submission of applications for admission as a refugee**

The Secretary of State shall undertake to facilitate the submission of applications under section 1157 of title 8 by citizens of North Korea seeking protection as refugees (as defined in section 1101(a)(42) of title 8).

(Pub. L. 108-333, title III, §303, Oct. 18, 2004, 118 Stat. 1296.)

**§ 7844. United Nations High Commissioner for Refugees**

**(a) Actions in China**

It is the sense of Congress that—

(1) the Government of China has obligated itself to provide the United Nations High Commissioner for Refugees (UNHCR) with unimpeded access to North Koreans inside its borders to enable the UNHCR to determine whether they are refugees and whether they require assistance, pursuant to the 1951 United Nations Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, and Article III, paragraph 5 of the 1995 Agreement on the Upgrading of the UNHCR Mission in the People's Republic of China to UNHCR Branch Office in the People's Republic of China (referred to in this section as the "UNHCR Mission Agreement");

(2) the United States, other UNHCR donor governments, and UNHCR should persistently and at the highest levels continue to urge the Government of China to abide by its previous commitments to allow UNHCR unimpeded access to North Korean refugees inside China;

(3) the UNHCR, in order to effectively carry out its mandate to protect refugees, should liberally employ as professionals or Experts on Mission persons with significant experience in humanitarian assistance work among displaced North Koreans in China;

(4) the UNHCR, in order to effectively carry out its mandate to protect refugees, should liberally contract with appropriate nongovernmental organizations that have a proven record of providing humanitarian assistance to displaced North Koreans in China;

(5) the UNHCR should pursue a multilateral agreement to adopt an effective "first asylum" policy that guarantees safe haven and assistance to North Korean refugees; and

(6) should the Government of China begin actively fulfilling its obligations toward North Korean refugees, all countries, including the United States, and relevant international organizations should increase levels of humanitarian assistance provided inside China to help defray costs associated with the North Korean refugee presence.

**(b) Arbitration proceedings**

It is further the sense of Congress that—

(1) if the Government of China continues to refuse to provide the UNHCR with access to North Koreans within its borders, the UNHCR should initiate arbitration proceedings pursuant to Article XVI of the UNHCR Mission Agreement and appoint an arbitrator for the UNHCR; and

(2) because access to refugees is essential to the UNHCR mandate and to the purpose of a UNHCR branch office, a failure to assert those arbitration rights in present circumstances would constitute a significant abdication by the UNHCR of one of its core responsibilities.

(Pub. L. 108-333, title III, §304, Oct. 18, 2004, 118 Stat. 1296.)

**§ 7845. Annual reports**

**(a) Immigration information**

Not later than 1 year after October 18, 2004, and every 12 months thereafter for each of the following 5 years, the Secretary of State and the Secretary of Homeland Security shall submit a joint report to the appropriate congressional committees and the Committees on the Judiciary of the House of Representatives and the Senate on the operation of this subchapter during the previous year, which shall include—

(1) the number of aliens who are nationals or citizens of North Korea who applied for political asylum and the number who were granted political asylum; and

(2) the number of aliens who are nationals or citizens of North Korea who applied for refugee status and the number who were granted refugee status.

**(b) Countries of particular concern**

The President shall include in each annual report on proposed refugee admission pursuant to section 1157(d) of title 8, information about specific measures taken to facilitate access to the United States refugee program for individuals who have fled countries of particular concern for violations of religious freedom, identified pursuant to section 6442(b) of this title. The report shall include, for each country of particular concern, a description of access of the nationals or former habitual residents of that country to a refugee determination on the basis of—

(1) referrals by external agencies to a refugee adjudication;

(2) groups deemed to be of special humanitarian concern to the United States for purposes of refugee resettlement; and

(3) family links to the United States.

(Pub. L. 108-333, title III, §305, Oct. 18, 2004, 118 Stat. 1297.)

## CHAPTER 86—CLIMATE CHANGE TECHNOLOGY DEPLOYMENT IN DEVELOPING COUNTRIES

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### § 7901. Definitions

In this chapter:

#### (1) Carbon sequestration

The term “carbon sequestration” means the capture of carbon dioxide through terrestrial, geological, biological, or other means, which prevents the release of carbon dioxide into the atmosphere.

#### (2) Greenhouse gas

The term “greenhouse gas” means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

#### (3) Greenhouse gas intensity

The term “greenhouse gas intensity” means the ratio of greenhouse gas emissions to economic output.

(Pub. L. 101-240, title VII, § 731, as added Pub. L. 109-58, title XVI, § 1611, Aug. 8, 2005, 119 Stat. 1113.)

#### EFFECTIVE DATE

Pub. L. 101-240, title VII, § 739, as added Pub. L. 109-58, title XVI, § 1611, Aug. 8, 2005, 119 Stat. 1117, provided that: “Except as otherwise provided in this part [part C (§§ 731-739) of title VII of Pub. L. 101-240, enacting this chapter], this part takes effect on October 1, 2005.”

### § 7902. Reduction of greenhouse gas intensity

#### (a) Lead agency

##### (1) In general

The Department of State shall act as the lead agency for integrating into United States foreign policy the goal of reducing greenhouse gas intensity in developing countries.

##### (2) Reports

###### (A) Initial report

Not later than 180 days after August 8, 2005, the Secretary of State shall submit to the appropriate authorizing and appropriating committees of Congress an initial report, based on the most recent information available to the Secretary from reliable public sources, that identifies the 25 developing countries that are the largest greenhouse gas emitters, including for each country—

- (i) an estimate of the quantity and types of energy used;
- (ii) an estimate of the greenhouse gas intensity of the energy, manufacturing, agricultural, and transportation sectors;

(iii) a description<sup>1</sup> the progress of any significant projects undertaken to reduce greenhouse gas intensity;

(iv) a description of the potential for undertaking projects to reduce greenhouse gas intensity;

(v) a description of any obstacles to the reduction of greenhouse gas intensity; and

(vi) a description of the best practices learned by the Agency for International Development from conducting previous pilot and demonstration projects to reduce greenhouse gas intensity.

#### (B) Update

Not later than 18 months after the date on which the initial report is submitted under subparagraph (A), the Secretary shall submit to the appropriate authorizing and appropriating committees of Congress, based on the best information available to the Secretary, an update of the information provided in the initial report.

#### (C) Use

##### (i) Initial report

The Secretary of State shall use the initial report submitted under subparagraph (A) to establish baselines for the developing countries identified in the report with respect to the information provided under clauses (i) and (ii) of that subparagraph.

##### (ii) Annual reports

The Secretary of State shall use the annual reports prepared under subparagraph (B) and any other information available to the Secretary to track the progress of the developing countries with respect to reducing greenhouse gas intensity.

#### (b) Projects

The Secretary of State, in coordination with Administrator of the United States Agency for International Development, shall (directly or through agreements with the World Bank, the International Monetary Fund, the Overseas Private Investment Corporation, and other development institutions) provide assistance to developing countries specifically for projects to reduce greenhouse gas intensity, including projects to—

- (1) leverage, through bilateral agreements, funds for reduction of greenhouse gas intensity;
- (2) increase private investment in projects and activities to reduce greenhouse gas intensity; and
- (3) expedite the deployment of technology to reduce greenhouse gas intensity.

#### (c) Focus

In providing assistance under subsection (b), the Secretary of State shall focus on—

- (1) promoting the rule of law, property rights, contract protection, and economic freedom; and
- (2) increasing capacity, infrastructure, and training.

<sup>1</sup> So in original. Probably should be “description of”.

**(d) Priority**

In providing assistance under subsection (b), the Secretary of State shall give priority to projects in the 25 developing countries identified in the report submitted under subsection (a)(2)(A).

(Pub. L. 101-240, title VII, § 732, as added Pub. L. 109-58, title XVI, § 1611, Aug. 8, 2005, 119 Stat. 1113.)

**§ 7903. Technology inventory for developing countries****(a) In general**

The Secretary of Energy, in coordination with the Secretary of State and the Secretary of Commerce, shall conduct an inventory of greenhouse gas intensity reducing technologies that are developed, or under development in the United States, to identify technologies that are suitable for transfer to, deployment in, and commercialization in the developing countries identified in the report submitted under section 7902(a)(2)(A) of this title.

**(b) Report**

Not later than 180 days after the completion of the inventory under subsection (a), the Secretary of State and the Secretary of Energy shall jointly submit to Congress a report that—

- (1) includes the results of the completed inventory;
- (2) identifies obstacles to the transfer, deployment, and commercialization of the inventoried technologies;
- (3) includes results from previous Federal reports related to the inventoried technologies; and
- (4) includes an analysis of market forces related to the inventoried technologies.

(Pub. L. 101-240, title VII, § 733, as added Pub. L. 109-58, title XVI, § 1611, Aug. 8, 2005, 119 Stat. 1114.)

**§ 7904. Trade-related barriers to export of greenhouse gas intensity reducing technologies****(a) In general**

Not later than 1 year after August 8, 2005, the United States Trade Representative shall (as appropriate and consistent with applicable bilateral, regional, and mutual trade agreements)—

- (1) identify trade-relations barriers maintained by foreign countries to the export of greenhouse gas intensity reducing technologies and practices from the United States to the developing countries identified in the report submitted under section 7902(a)(2)(A) of this title; and
- (2) negotiate with foreign countries for the removal of those barriers.

**(b) Annual report**

Not later than 1 year after the date on which a report is submitted under subsection (a)(1) and annually thereafter, the United States Trade Representative shall submit to Congress a report that describes any progress made with respect to removing the barriers identified by the United States Trade Representative under subsection (a)(1).

(Pub. L. 101-240, title VII, § 734, as added Pub. L. 109-58, title XVI, § 1611, Aug. 8, 2005, 119 Stat. 1115.)

**§ 7905. Greenhouse Gas Intensity Reducing Technology Export Initiative****(a) In general**

There is established an interagency working group to carry out a Greenhouse Gas Intensity Reducing Technology Export Initiative to—

- (1) promote the export of greenhouse gas intensity reducing technologies and practices from the United States;
- (2) identify developing countries that should be designated as priority countries for the purpose of exporting greenhouse gas intensity reducing technologies and practices, based on the report submitted under section 7902(a)(2)(A) of this title;
- (3) identify potential barriers to adoption of exported greenhouse gas intensity reducing technologies and practices based on the reports submitted under section 7904 of this title; and
- (4) identify previous efforts to export energy technologies to learn best practices.

**(b) Composition**

The working group shall be composed of—

- (1) the Secretary of State, who shall act as the head of the working group;
- (2) the Administrator of the United States Agency for International Development;
- (3) the United States Trade Representative;
- (4) a designee of the Secretary of Energy;
- (5) a designee of the Secretary of Commerce; and
- (6) a designee of the Administrator of the Environmental Protection Agency.

**(c) Performance reviews and reports**

Not later than 180 days after August 8, 2005, and each year thereafter, the interagency working group shall—

- (1) conduct a performance review of actions taken and results achieved by the Federal Government (including each of the agencies represented on the interagency working group) to promote the export of greenhouse gas intensity reducing technologies and practices from the United States; and
- (2) submit to the appropriate authorizing and appropriating committees of Congress a report that describes the results of the performance reviews and evaluates progress in promoting the export of greenhouse gas intensity reducing technologies and practices from the United States, including any recommendations for increasing the export of the technologies and practices.

(Pub. L. 101-240, title VII, § 735, as added Pub. L. 109-58, title XVI, § 1611, Aug. 8, 2005, 119 Stat. 1115.)

**§ 7906. Technology demonstration projects****(a) In general**

The Secretary of State, in coordination with the Secretary of Energy and the Administrator of the United States Agency for International Development, shall promote the adoption of